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SUBJECT: SUPREME COURT DENIES VYASNA REGISTRATION APPEAL

Classified By: Ambassador Karen Stewart for reason 1.4 (d).

Summary

1. (U) The Supreme Court denied the registration appeal of Human Rights NGO Vyasna October 26. The NGO had been appealing an earlier decision by the Justice Ministry to deny its registration due to supposed errors in its application. The group is a successor to an organization that the Supreme Court liquidated in 2003 on charges of violating electoral regulations during the 2001 presidential race. End summary.

After a Small Victory...

2. (U) The hearing which poloffs attended began on October 23 with a mild victory for the NGO. Vyasna representatives asserted that they were unable to proceed because the court documents -- and the Registration Law itself -- were available only in Russian and not Belarusian. Calling it an insult to the language and its people, they requested all documents be translated. The judge complied and ordered the Justice Ministry to provide translations.

... And Some Political Theater...

3. (U) Vyasna's appeal strategy began by addressing the administrative reasons for the denial, but diverged into political theater. Lawyers started by refuting the government's contention that many of the founders had criminal records, pointing out the absurdity of denying registration because members had been issued fines for jaywalking and hanging laundry on balconies. One Vyasna representative pointed out that at a recent international conference he attended, "even the Kazakhs laugh at the absurdity of our laws." They closed their statements by presenting to the judge photographs of many activists who had been convicted of working on behalf of unregistered organizations.

... A Predictable Defeat.

4. (U) In the end, however, the judge ruled on October 26 against Vyasna's appeal. She cited three major reasons; that the organization had failed to submit all necessary documents, that it had violated rules by registering under the same name as an already-banned organization, and that its mission statement was not clear and specific enough.

Comment: Language Issue Out Front

5. (C) Though many Belarusian opposition activists consider

the Belarusian language an important issue, they had previously never raised the question at official hearings. In the face of almost certain defeat, they decided to score at least a minor victory by bringing the language issue to the forefront. After the verdict, Vyasna's lawyers told poloff that they have no plans at present to continue their fight for registration.

STEWART